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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power on 13 January 2016 under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 8 January 2015. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: New Caledonia is a Non-Self-Governing Territory under the Charter of the United Nations. It is administered by France. New Caledonia is defined as a French overseas sui generis community under the French Constitution and has enhanced autonomy.

Representative of administering Power: Mr. Vincent Bouvier, French High Commissioner (since 18 August 2014).

Geography: Located in the Pacific Ocean, about 1,500 km east of Australia and 1,700 km north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands, the Bélep Archipelago, the Isle of Pines and the Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands.

Land area: 18,575 km² (the Territory as a whole); 16,750 km² (Grande Terre).

Exclusive economic zone: 1,422,543 km².

Population: 268,767 (2014 census).

Life expectancy at birth: 80.4 years for women and 74 years for men.

Ethnic composition: 39.1 per cent Melanesians, mainly Kanaks; 27.2 per cent persons of European origin, mainly French; 8.2 per cent Wallisians and Futunians; 2.1 per cent Tahitians; 1.4 per cent Indonesians; 0.9 per cent Vietnamese; 0.9 per cent Vanuatuans; and 21.2 per cent populations classified by the French National Institute of Statistics and Economic Studies as "others".

Languages: The official language is French. About 27 Kanak vernacular languages are spoken in geographically distinct regions. Under the Nouméa Accord, Kanak languages and French are the languages of instruction and culture.

Capital: Nouméa, located in the south of Grande Terre.

Head of territorial Government: Ms. Philippe Germain (since 1 April 2015).

Main political parties: The Congress includes four political groups. The two anti-independence groups are Calédonie ensemble and the Républicains (including Rassemblement-UMP and Mouvement populaire calédonien; Union pour la Calédonie dans la France no longer has enough elected members to constitute a group). The two pro-independence groups are UC-FLNKS et nationalistes (Union calédonienne-Front de libération nationale kanak socialiste, Union pour construire les Loyauté, Dynamique unitaire Sud and Parti travailliste) and UNI-Palika (Union nationale pour l'indépendance-Parti de libération kanak).

Elections: The most recent elections were held on 23 and 30 March 2014 (municipal) and 11 May 2014 (provincial).

Legislature: Congress of New Caledonia.

Gross domestic product per capita: 3.4 million CFP francs (2013).

Unemployment rate: 14 per cent (total unemployed as a percentage of the workforce in 2009).

Economy: Mining industry (notably nickel), construction and tourism.

Monetary unit: CFP franc.

Brief history: In 1774, the British captain James Cook discovered Grande Terre and named it "New Caledonia". France annexed New Caledonia on 24 September 1853. In 1942, the United States of America chose New Caledonia for its military base in the Pacific. Some 20,000 New Zealand soldiers were stationed in New Caledonia during the Second World War. In 1946, France made New Caledonia an overseas Territory with limited autonomy. In the 1970s, supporters of independence were highly active, leading to violence during the 1980s known as the "*événements*" (events). In 1988, the Matignon Accords led to the establishment of three provinces with the aim of restoring the balance of power. Some 10 years later, in 1998, the Nouméa Accord planned for the progressive autonomy of the Territory. A referendum on whether New Caledonia should assume full sovereignty will be held between 2014 and 2018, but may not be held in the last six months of the term of office of the current Congress of New Caledonia. The Congress has until the end of May 2018 to request the administering Power, by a three-fifths majority of its members, to hold the referendum. After that time, the date will be set by the administering Power between May and November 2018.

I. Constitutional, political and legal issues

1. New Caledonia is a sui generis community within the French Republic, governed under part XIII of the Constitution ("Transitional provisions pertaining to New Caledonia"). The French Minister for Overseas Territories, Ms. George Pau-Langevin, has responsibility for New Caledonia, and in this regard ensures the coordination and implementation of the French Government's actions in accordance with the Territory's status and organization. The administering Power is represented in the Territory by a High Commissioner, who exercises the authority of the French Republic in New Caledonia. This position is currently held by Mr. Vincent Bouvier. Under the Organic Law of 19 March 1999 concerning New Caledonia, the administering Power retains prerogatives in a number of areas, including diplomacy, immigration and aliens, currency, the Treasury, trade, defence, justice and maintenance of law and order. In the area of defence, the High Commissioner performs functions prescribed by the relevant legislation. The High Commissioner may declare a state of emergency as provided for under the relevant legislation; he or she must refer the matter to the Minister for Overseas Territories after informing the Government of New Caledonia. Under the territorial structure, the Office of the High Commissioner in the Territory is the seat of the defence sector of New Caledonia. Just over 2,200 French military personnel, including members of the gendarmerie, are stationed in the Territory.

2. The Territory is part of the metropolitan French judicial system, with some special features such as the obligation to use customary judges in cases involving disputes between persons with customary civil status. The Court of Appeal is located in the capital, Nouméa. Appeals on points of law can be filed with the Court of Cassation in metropolitan France.

3. The Kanak independence movement was launched in the 1970s in response to the process of decolonization in Africa and increasing French migratory flows. In 1984, the Front de libération nationale kanak socialiste (FLNKS) was founded as an umbrella organization for the pro-independence parties, and later that year it established a provisional independent Government. Between 1984 and 1988, about 80 people died in violent confrontations between pro- and anti-independence elements. The violence was eventually halted with the conclusion of the Matignon Accords on 26 June 1988 between FLNKS, the loyalist Rassemblement pour la Calédonie dans la République (RPCR) and the Government of France.

4. The Matignon Accords provided for greater local autonomy and substantial aid designed to redress deep inequalities between the French and Kanak communities, while committing the Territory to a self-determination referendum 10 years later. Following negotiations initiated in the 1990s, the pro- and anti-independence camps concluded the Nouméa Accord in 1998, redefining the Territory's status. The agreement steered a middle course between the respective political aspirations of RPCR and FLNKS and avoided the need for a referendum on independence, which, according to the administering Power and in the circumstances prevailing at that time, probably would have caused tensions to flare. It was signed on 5 May 1998 and approved by 72 per cent of New Caledonians in a referendum held on 8 November 1998. The Accord was subsequently ratified by the National Assembly and the Senate of France. New Caledonia is now defined as a French overseas sui generis community under the French Constitution and has enhanced autonomy.

5. Section 1.5 of the Nouméa Accord provides that: "The identifying signs of the country, such as its name, flag, anthem, motto and banknote designs, shall be jointly devised in order to express both the Kanak identity and the future to be shared by all". On 18 August 2010, the Congress of New Caledonia approved three out of five identifying signs around which New Caledonia could unite — an anthem, a motto and banknote designs — but failed to agree on a name and a flag. On 13 July 2010, the territorial Congress expressed the wish that the Kanak flag and the French flag should fly together in New Caledonia. This wish has no binding legal force; each local authority remains free to apply it or not. On 17 July 2010, the Prime Minister, François Fillon, on an official visit to the islands, raised the Kanak flag and the French flag together for the first time at the headquarters of the French High Commissioner, in the presence of local authorities. The new banknotes bearing the designs expressing the Kanak identity were issued on 20 January 2014.

6. The Nouméa Accord commits France to transferring responsibility for certain areas of government, except sovereign powers, to the Government of New Caledonia between 1998 and 2018. A referendum on whether New Caledonia should assume full sovereignty will be held between 2014 and 2018, but may not be held in the last six months of the term of office of the current Congress of New Caledonia. The Congress has until the end of May 2018 to request the administering Power, by a three-fifths majority of its members (33 members), to hold the referendum on the assumption of full sovereignty. After that time, the date will be set by the administering Power between May and November 2018. Eligible participants will be asked to vote on three issues: the transfer of sovereign powers to New Caledonia, access to an international status of full responsibility and the organization of citizenship by nationality. Should independence be rejected, a second referendum may be held at the request of one third of the members of Congress (19 members). If independence is again rejected, a third referendum may be held under the same conditions. If the response is still negative, the parties to the Accord will meet to consider the situation thus created. The full text of the Nouméa Accord is contained in the 1998 working paper (A/AC.109/2114, annex).

7. New Caledonia has a 54-member Congress drawn from the elected membership of the three provincial assemblies (15 of the 22 members of the North Province assembly, 32 of the 40 members of the South Province assembly and 7 of the 14 members of the Loyalty Islands Province assembly).

8. In accordance with the Nouméa Accord, a parallel set of institutions was established to accommodate full political recognition of the Kanak identity. There are eight customary councils representing eight customary regions. In addition, a Territory-wide customary Senate with a rotating presidency comprises 16 members, with 2 members selected by each customary council. The customary Senate is consulted by the executive and legislative bodies of New Caledonia on matters related directly to the Kanak identity. The customary Senate has a budget for its operations (article 147 of Organic Law No. 99-209 of 19 March 1999).

9. Political parties in New Caledonia are divided between those favouring New Caledonia remaining part of France and those favouring independence, with a number of nuances within each position. The 2014 election resulted in a Congress of 29 anti-independence and 25 pro-independence members. The anti-independence movements currently represented in Congress are Calédonie ensemble (CE), with 16 seats; the Républicains, with 10 seats and Front pour l'unité (FPU), with 3 seats

(6 seats are needed to form a group). The pro-independence movements represented in Congress are Union calédonienne-FLNKS (UC-FLNKS) et nationalistes, with 15 seats; Union nationale pour l'indépendance and Parti de libération kanak (UNI-Palika), with 9 seats; and Ligue kanake socialiste (LKS), with 1 seat. Mr. Thierry Santa (the Républicains) was elected President of the Congress on 16 July 2015, succeeding Mr. Gaël Yanno (UCF).

10. The fourteenth Government, elected by the Congress on the basis of a proportional system, comprises 11 members. It consists of six members of the anti-independence groups (CE, the Républicains and UCF) and five members of the pro-independence Union calédonienne (UC) and UNI-Palika. Mr. Philippe Germain (Calédonie ensemble) has been the Head of the Government since 1 April 2015.

11. There are several electorates in New Caledonia: the general electorate, a special electorate consisting of those eligible to vote in elections to Congress and the provincial assemblies, and a special electorate consisting of those eligible to participate in the final status referendums under the Nouméa Accord (see A/AC.109/2015/15). Since 1999, the composition of the electorate for provincial elections has been a subject of intense political and legal debate between supporters of independence and advocates of keeping New Caledonia within the French Republic (see A/AC.109/2014/20/Rev.1). Every year, the special electoral rolls of voters eligible to participate in the election of members of Congress and the assemblies are updated by special administrative commissions headed by magistrates. Each commission also includes a representative of the Administration appointed by the French High Commissioner, a representative of the mayor of the municipality and two representatives of voters in the municipality (one pro- and one anti-independence).

12. Organic Law No. 2015-987 of 5 August 2015 on the referendum on the accession of New Caledonia to full sovereignty modified the organization and functioning of the special administrative commissions with the addition of an independent, non-voting qualified person, whose profile, role and process of appointment are established by decree. In addition, it strengthened the powers of the chair of the commission by transferring to the chair certain powers which had previously been assigned to the commission as a whole, namely the power to order investigations and the power to hold consultations with customary representatives. Decisions are taken by majority vote.

13. The administering Power reports that, as a guarantor of the Nouméa Accord, it sought to ensure the fairness of the provincial elections of 11 May 2014 and future elections. As a result, with effect from April 2013, access to the general electoral roll for 1998 (given that the supplementary roll provided for by law had never been drawn up) was granted, after years of demands for recognition of the right to such access. The administering Power also accepted the visiting mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in order to enable it to verify, with full transparency, that the Nouméa Accord is being implemented and to formulate a view on the process under way, with respect to the inclusion of New Caledonia on the list of Non-Self-Governing Territories. The delegation was thus given the opportunity to hear from all political movements and to receive an explanation of the work and functioning of the special administrative commissions, although it was unable to attend their meetings because they are not public.

14. According to the administering Power, if the electorate is considered to be "frozen" as from 8 November 1998, the question is whether voters should, in the absence of a supplementary roll, be deemed to meet the requirement of continuity and duration of residence in New Caledonia only if they appear on the general electoral roll for 1998, or whether they should merely be required to produce proof of any sort, not only registration on the general electoral roll, that they were residents as at 8 November 1998. The administering Power indicates that political groups are divided on this issue. In response to requests for voters to be stricken from the rolls, the administering Power initially considered that registration on the general electoral roll for 1998 was not a prerequisite for inclusion on the special electoral roll for the provincial elections. However, the case law of the Court of Cassation concerning the interpretation of the provisions of the organic law on the electorate has since evolved. At the end of 2014, the Court found that, even if a person arrived in New Caledonia before 1998, he or she would not be eligible for inclusion on the special electoral roll for the provincial elections if he or she did not appear on the general electoral roll for 1998.

15. According to the administering Power, that position of the Court of Cassation is the one that the Government of France adopted for the 2015 revision. Although the position satisfied Union Calédonienne, it was strongly contested by anti-independence groups. That change in approach and method gave rise to tensions during the revision. A total of 5,022 requests for deregistration were submitted but the commissions rejected 5,010 of them by a majority. The members of the FLNKS citizenship commission continued to challenge the revision being carried out by the administrative commissions and expressed doubts over the fairness of the special electoral roll for the referendum on accession to sovereignty that will be prepared by those commissions.

16. According to the administering Power, the special electorate for the referendum on full sovereignty is to include persons having taken up residence in New Caledonia before 31 December 1994, persons having or previously having had customary civil status, and persons born in New Caledonia whose property and personal ties are mainly in the Territory. While the conditions for inclusion in that electorate are set forth in article 218 of the Organic Law of 19 March 1999, the roll itself has not yet been drawn up. Following the wish expressed by the Committee of Signatories at the end of 2014, the French Government explored the possibility of amending the organic law so as to allow the automatic registration of certain categories of voters on the special electoral roll. However, the uncompromising position adopted by the Council of State left it with little room to manoeuvre. The draft organic law, which was strictly in line with the opinion issued by the Council of State, was rejected by Congress because it provided that automatic registration would apply only to voters who had been allowed to participate in the referendum of 8 November 1998 and voters who have, or have previously had, customary civil status, a category which excludes Kanaks. In response, the anti-independence bloc held a demonstration on 24 April in Nouméa, outside the office of the High Commissioner, just after the arrival of Claude Bartolone, Speaker of the National Assembly.

17. In response to those events, the Prime Minister convened an extraordinary meeting of the Committee of Signatories of the Nouméa Accord on 5 June 2015. At that meeting, the Committee was able to (a) expand the list of categories of voters who can be automatically included on the electoral rolls established for the

referendum; (b) agree on the principle of adjusting the composition of the special administrative commissions responsible for preparing electoral rolls and of ensuring that all political forces participated in the work of the committee of experts; (c) agree on the principle of an inquiry to evaluate the part of the dispute relating to the composition of the electorates for the provincial elections concerning individuals who arrived before 8 November 1998 and those who arrived after that date.

18. Following that meeting of the Committee of Signatories, Organic Law No. 2015-987 of 5 August 2015 on the referendum on the accession of New Caledonia to full sovereignty was declared constitutional and subsequently promulgated. In addition to reforming the organization and functioning of the special administrative commissions referred to above, the Law includes the following provisions: (a) establishment of an advisory committee of experts to provide the special administrative commissions with legal input on requests for registration made on the basis of the applicant's main material and moral interests; (b) automatic inclusion on the special electoral list for the referendum of four categories of voters (see Organic Law No. 2015-987 of 5 August 2015, article 218-2).

19. With regard to the quantitative assessment of the dispute relating to the electorate for the provincial elections, the political partners agreed on the need to resolve the electoral dispute by recognizing the centrality of the date of 8 November 1998 for the implementation of the restriction of the electorate, and acknowledged that no rights had been acquired since that date. The results of the quantitative assessment of the electoral dispute in New Caledonia should be presented to the Committee of Signatories at its meeting of 4 February 2016, so that the partners can agree on how to deal with the different categories of voters.

20. With the agreement of the political groups, on 23 December 2015, the State requested the United Nations to consider appointing independent experts to the special administrative commissions responsible for revising electoral rolls in New Caledonia and to the advisory committee of experts.

II. Budget

21. The administering Power reports that, for 2015, New Caledonia has announced its intention to begin restoring its capacity for self-financing in order to be able to continue to fulfil its commitments to financial partners and remain one of the engines of economic growth through its investments. As part of its budget, it has announced a reduction in its operating costs. Capital expenditure should also be lower than the figure given in the 2015 preliminary budget (-4.9 billion), owing primarily to the completion of the construction of the Médipôle hospital.

III. Economic conditions

A. General

22. According to the Statistics Division of the United Nations Secretariat, New Caledonia has one of the richest economies of all the Pacific Islands. This is largely owing to the preponderance of nickel mining and processing in the island's economy. Nickel production accounts for over 90 per cent of total export earnings.

There are significant geographic disparities in income distribution, however, as the South Province accounts for 85 per cent of total household income, the North Province for 11.1 per cent and the Loyalty Islands Province for only 3.9 per cent. The economy is highly dependent on transfers from the French Government, which accounted for around 17 per cent of gross domestic product in New Caledonia in 2013. Of the financial resources allocated by France, 48 per cent are used to finance sectors under State control, while 52 per cent are redistributed among local communities, including for development projects. The Territory runs a significant structural trade deficit.

23. According to the administering Power, New Caledonia has enjoyed steady growth over the past decade. The standard of living in the Territory is now comparable to that in the vast majority of regions in France and is close to that in New Zealand, which itself is the second highest in the Pacific region, after Australia. This momentum has been sustained through the construction of major infrastructure, including the Goro and Koniambo metallurgical plants, and buoyant consumption. Since mid-2011, the New Caledonian economy has experienced a slowdown as a result of the completion of major construction projects. It recovered throughout 2014, but is now growing at a more moderate pace than in the past.

B. Mineral resources

24. New Caledonia, with an estimated 15 to 25 per cent of the world's nickel reserves, is the second largest source of that metal. Cobalt is also mined commercially, and deposits of iron, copper and gold have been discovered and exploited on a small scale in the past. Mining is carried out by about a dozen operators, the largest of which are Société Le Nickel, Nickel Mining Company, Vale New Caledonia and Koniambo Nickel SAS. The other operators are small-scale miners, who may or may not be owners of mining claims, and supply Société Le Nickel or are in the export market. In 2014, New Caledonia extracted 13 million wet tons of ore (9 per cent of global production), of which 5.4 million were exported. According to the administering Power, New Caledonia produced some 83,000 tons of nickel in 2014, accounting for only 4 per cent of world production. This share is expected to increase with the entry into full operation of the Koniambo plant in the North Province and the Goro plant in the South Province. Employment in mining and metallurgy increased by 4 per cent over a 12-month period, amounting to about 7,500 people in the second quarter of 2015 (including those employed in related activities such as contractors, ore transporters and temporary workers).

C. Construction and manufacturing

25. The construction and public works sector accounted for an average of 10 per cent of the wealth generated in 2010 and employed some 11 per cent of wage labour in the Territory in 2014. According to the administering Power, this sector is now suffering as a result of the completion of major projects and the slowdown in new housing construction. Construction of social housing remains extremely inadequate to cover estimated needs. The outlook for this sector is brightening, however, as the law on local tax relief has buoyed the intermediate housing construction sector since 1 January 2014 and will continue to do so until at least 2018.

26. Industry (other than metallurgy) is largely focused on machinery and equipment installation and repair, processing of foodstuffs, and manufacturing (of metal and other products). Strong growth in this sector, which in 2010 accounted for 4 per cent of wealth creation and 5 per cent of wage employment (excluding mining and energy), has been driven primarily by the creation of one-person businesses, which make up 80 per cent of the industrial base in New Caledonia.

D. Agriculture and fisheries

27. Although the primary sector (excluding mining) represented less than 1.3 per cent of wealth generation in 2010 and wage employment (with 1,650 wage earners on average each year), it is nonetheless the principal activity of much of the rural population. Three types of fishing are practised in the Territory, depending on the area concerned: lagoon fishing, coastal fishing and pelagic fishing. Shrimp aquaculture has also become established and enjoys strong support from the authorities. According to the administering Power, New Caledonia is not self-sufficient in most agricultural and livestock sectors, and thus remains heavily dependent on imports.

E. Transport and communications

28. The transport and telecommunications sector accounts for 6.7 per cent of the value added in the Territory (based on 2010 figures), 6 per cent of wage employment (as of late 2014) and 4.4 per cent of registered companies. The Territory has a good road system in and around Nouméa. The road infrastructure in the rest of the Territory is more basic, but is gradually improving. New Caledonia has about 5,000 km of roads, of which about half are surfaced. Port activity in New Caledonia is organized around the infrastructure of the Autonomous Port of New Caledonia, based in Nouméa (tenth-ranked port and first-ranked overseas port of France); passenger traffic between the islands; and marinas, mainly in greater Nouméa. Overseas cargo shipping (inbound and outbound) is predominantly through Nouméa. The total volume of goods loaded and unloaded, apart from nickel ore, amounted to 3.2 million tons in 2014. The Autonomous Port also handles 8.6 million tons of nickel ore, of which 5.5 million tons are exported, while the rest consists of ore shipped to Doniambo from mining centres.

29. Since 1 January 2000, New Caledonia has had authority over international traffic rights and air carrier operational programmes. Powers in the area of policing and security in respect of air traffic were transferred, for domestic traffic only, on 1 January 2013. The New Caledonia Air Services Agency, a public enterprise of New Caledonia, is responsible for ensuring the continuity of air services. To this end, it owns 99.38 per cent of the shares in the airline Air Calédonie International (Aircalin). Five international companies operate regular flights to the Territory. In 2014, 480,000 passengers (arrivals and departures) were registered at Nouméa-La Tontouta International Airport. Frequent international flights link Nouméa's airport with neighbouring countries and with Japan, the United States of America and Europe.

30. Regarding domestic service, New Caledonia has 14 airfields open to public air traffic. Domestic public transport services are provided by three companies. The

Loyalty Islands airfields handle 80 per cent of domestic passenger traffic (excluding Nouméa-Magenta). It should also be noted that a third cargo vessel has been put into operation, and work has begun on a project to build new port infrastructure on the island of Ouvéa.

31. The telecommunications sector includes the territorial operator, the Post and Telecommunications Office of New Caledonia, and its partners. By the end of 2014, mobile Internet services had more than 24,500 customers. The services have recently been supplemented by the launch of 4G service in the Territory. The stated goal is to continue gradually to reduce the digital divide and facilitate Internet traffic. The work under way to set up new cell towers should increase coverage to 85 per cent of the Territory by early 2016.

F. Tourism and environment

32. In the view of the administering Power, New Caledonia, with its geographical location and cultural richness, has real strengths and considerable tourism potential that has not yet been fully tapped. Tourism is thus a key to the Territory's economic development. The tourism sector accounts for just over 2 per cent of gross domestic product (about $208 million), and 5,500 jobs. According to the French National Institute of Statistics and Economic Studies, 107,200 tourists travelled to New Caledonia in 2014 (down 0.5 per cent compared with the previous year). This downturn is due mainly to the reduction in tourism from metropolitan France, although the latter remains the primary source of tourist arrivals (36,500), ahead of Wallis and Futuna, French Polynesia, Vanuatu, Australia and Japan. New Zealand, the Republic of Korea, Canada and Europe are the other main source markets. The cruise-ship market is growing briskly: 422,000 cruise-ship passengers visited New Caledonia in 2014, compared with 124,000 in 2007. The administering Power forecasts that such arrivals will reach 1 million by 2020. Cruise-ship activity mostly benefits Nouméa, Lifou and the Isle of Pines, and to a lesser extent Maré.

33. The administering Power indicates that New Caledonia has a unique natural heritage characterized by a high rate of endemism, in particular among plants (76 per cent); striking land ecosystems (rainforest, maquis shrubland), some of which are particularly endangered (dry forest); and the second largest coral reef in the world after Australia's Great Barrier Reef. Recognized internationally as a global biodiversity hotspot, the Territory has now been doubly distinguished by the inclusion, in July 2008, of "Lagoons of New Caledonia: reef diversity and associated ecosystems" on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List and by the inclusion, in February 2014, of the lakes of the South Province of Grande Terre on the list of the Convention on Wetlands of International Importance especially as Waterfowl Habitat.

34. According to the administering Power, biodiversity conservation is now at the heart of government concerns. Various actions are being taken by the three provinces, which have authority over environmental matters, and by the Government of New Caledonia in the exclusive economic zone. The establishment of a network of terrestrial and marine protected areas is one of the tools used by government authorities to protect the natural heritage. Protected areas have been established at the provincial level, and the Natural Park of the Coral Sea was

established in 2014; its management committee is working to produce a management plan by April 2017. It covers the entire area under the jurisdiction of New Caledonia, or 1.3 million km^2. It should also be noted that an assessment of all the flora of New Caledonia (more than 3,000 taxa) is being conducted by groups of specialists from the International Union for Conservation of Nature, to determine the risks of extinction of various species for inclusion on the Red List of Endangered Species. The assessment began in 2014 and is expected to continue for five years. New Caledonia is also under an obligation to implement the Washington Convention (Convention on International Trade in Endangered Species of Wild Fauna and Flora), and issues import, export and re-export permits.

35. Mining activity and its impacts on the natural and human environment will henceforth be strictly regulated by regulations established in New Caledonia (the Mining Code in 2009 and provincial environmental codes starting in 2010). The codes have chapters on protection of the natural heritage, natural resource management and the prevention of pollution, hazards and nuisance, which impose rigorous requirements in terms of good practices and compensatory measures. Furthermore, the Nickel Fund, which was established in 2009, allows for the gradual rehabilitation of sites impacted by past mining activity.

IV. Social conditions

A. General

36. United Nations Development Programme data for New Caledonia show that the Territory has a high human development index. The adult literacy rate is over 96 per cent and school enrolment (all levels) is about 89 per cent. Nevertheless, according to the French National Institute of Statistics and Economic Studies, the Territory suffers from inequalities and imbalances in several areas, including the social and economic spheres. Approximately 74.4 per cent of the population is concentrated in the South Province. Including the suburbs of Nouméa, the Greater Nouméa metropolitan area is home to 67 per cent of the population. The population density in the South Province is 29 inhabitants per km^2 (2,135.2 inhabitants per km^2 in Nouméa), compared to only 5.3 inhabitants per km^2 in the North Province and 9.2 inhabitants per km^2 in the Loyalty Islands Province (2014). Among the population aged 15 years or over, 40 per cent of those living in the North and Loyalty Islands Provinces have no educational qualifications, compared to 20 per cent of those living in the South Province.

37. According to the French National Institute of Statistics and Economic Studies, prices in New Caledonia are generally 34 per cent higher than in metropolitan France; in the case of foodstuffs, prices are 65 per cent higher (2010 estimate). Following demonstrations against the high cost of living in May 2011, a special committee was established in the Congress to draft economic and social agreements and to monitor their implementation. Following an initial agreement between the members of Congress and a federation of labour unions formed to protest the high cost of living, signed in June 2012 in the presence of the High Commissioner, and the general strike called by the unions as a result of dissatisfaction with the agreement's implementation, a new protocol was signed on 27 May 2013 freezing the prices of all goods and services until 2014. A multi-industry agreement of 2015

provides for lower prices for a range of basic consumer goods. In August 2014, a conference on economic, social and tax matters organized by the Government of New Caledonia, in which the administering Power and workers' and employers' organizations participated, resulted in the signing of an agreement setting out a shared agenda of economic and fiscal policies that the New Caledonia Government undertook to implement. According to the administering Power, the new Government established in April 2015 undertook to implement the policies set out in the shared agenda through dedicated working groups. At the same time, the previous High Commissioner entered into negotiations with the banks with a view to reducing bank fees. An initial agreement on this matter was reached on 23 December 2013. A second agreement on the continuation of those efforts was signed on 15 December 2014. Discussions are currently under way with the banks in order to finalize a new agreement for 2016.

38. The concept of economic rebalancing is rooted in the 1998 Nouméa Accord and in the aim of achieving a more harmonious distribution of job and wealth creation throughout New Caledonia in preparation for the Territory's potential accession to full sovereignty. This concept led to the development of a formula for budgetary allocations that proactively favours the North and Loyalty Islands Provinces in terms of their demographic weight and the imbalances to be corrected. It has also resulted in the development of the Voh-Koné-Pouembout area of the North Province and the establishment of a nickel plant in that province.

39. Fifteen years after the Nouméa Accord, the centrepiece of the rebalancing initiative is the Koniambo Nickel SAS plant in Vavouto, municipality of Voh. With the support of the administering Power, the 1998 Bercy Accords gave the North Province control over the resources of the Koniambo massif by giving it a majority stake (51 per cent) in a joint venture with the company Glencore for the construction of a plant in the North Province. The plant came on stream more than two years ago but an incident in one of its two furnaces in December 2014 prevented it from expanding. Over time, the objective is to produce 60,000 tons of ferronickel per year; the massif's reserves should be sufficient to keep the plant in operation for 25 to 50 years.

40. In the far south, the construction of a metallurgical plant has likewise received support from the administering Power and local authorities. This plant, located in Goro, is operated by the company Vale New Caledonia. An 81 per cent share of the plant is owned by Vale Canada; a 5 per cent share is owned by the Société de participation minière du Sud calédonien, a holding company belonging to the three provinces; and a 14 per cent share is owned by a Japanese company. The Goro plant uses a hydrometallurgical process, which makes it possible to exploit low-grade nickel ore. Vale New Caledonia, which directly employs 1,260 people, continued to expand in 2015.

41. According to the administering Power, the Société Minière du Sud Pacific Group SA (South Pacific Mining Company), which belongs to the North Province, also holds 51 per cent, in partnership with a Korean steel concern, a metallurgical facility built in Gwanyang, Republic of Korea, which has a nominal capacity of 30,000 tons per year. A second production line has been added at this facility, bringing that figure to 54,000 tons per year.

B. Employment

42. According to employment estimates from the French National Institute of Statistics and Economic Studies, as at 31 December 2014, the number of wage positions in New Caledonia stood at 90,100, representing an increase of 0.5 per cent over the previous year. Private wage employment represented 72 per cent of total wage employment, compared to 23 per cent for public wage employment (25 per cent State civil servants, 36 per cent New Caledonia civil servants and 39 per cent contract employees). As at the end of 2014, there were 23,000 independent workers in New Caledonia (independent contractors and majority managing partners of companies), representing an increase of 2.7 per cent over the previous year. In 2014, private wage employment rose slightly (+0.6 per cent). Public employment also saw a slight increase in 2014 (+0.4 per cent), the result of growth in the territorial civil service (+2 per cent), while the State civil service remained stable. In the past decade, the workforce has grown by 25 per cent, owing mainly to the growth of the New Caledonian civil service (+27%, following successive transfers of power), and to the hiring of contract workers (+33%).

43. Regional disparities are also clearly evident in the labour market, with unemployment particularly high in the North Province. In any event, the administering Power reports that remedial action is being taken with respect to rebalancing in this regard. For example, New Caledonia Law No. 2012-9 of 27 July 2010 on the protection and promotion of and support of local employment came into force with the appointment of the members of the Joint Local Employment Board at the beginning of February 2012. Under the law, hiring citizens of New Caledonia is the rule. If no citizen is as well qualified as other applicants, the employer must recruit a candidate who can demonstrate a sufficient length of residency. The New Caledonia law to promote employment of local people in the civil service of New Caledonia is in the process of adoption.

44. Some Kanak representatives continue to express concern over the influx of immigrant labour. The Government of New Caledonia has acknowledged this fact, while noting that the immigrant community includes highly qualified workers as well as technicians and managers not available in the domestic labour force. Furthermore, the duration of stay was limited to 18 months for the first category of these immigrants and to four years for the second category. According to the Government of New Caledonia, three quarters of the guest labour force at the nickel plant in the South Province have already left the Territory; the number of foreign workers at the site now stands at 107. Such demobilization has also accelerated considerably at the North Province plant, where, in December 2015, there were 339 long-stay foreign workers, compared to nearly 4,000 in July 2013.

C. Education

45. Student enrolment in New Caledonian schools stands at 70,886, with 35,074 students in the 259 public and private primary schools and 31,752 students enrolled in the public or contracted private secondary schools (18,870 in 56 middle schools and 12,886 in 19 high schools and high school campuses).

46. The administering Power has stated that many cultural and international awareness activities are undertaken in the schools to promote academic success and

contribute to the regional integration of New Caledonia. New Caledonia plays a key role in inter-Oceanic cooperation and is a major francophone hub in the Pacific. About 1,000 of its students and teachers travel abroad on foreign exchange programmes annually. New Caledonia has about 50 school partnerships, primarily with institutions in Australia, Fiji, Japan, New Zealand and Vanuatu. Plans to introduce Australian sections as part of international studies at the middle school and high school levels will strengthen this outward-looking, international approach, which is an educational priority in New Caledonia.

47. According to the administering Power, the University of New Caledonia (UNC), established in 1999, has the distinction of being a French and European university in the service of development in New Caledonia and beyond the Pacific region. Education at UNC follows the European system (bachelor's degree (licence), master's degree and doctorate), which guarantees the quality of the education imparted according to a standard shared by all universities in the European space (Bologna Process). With respect to research, the uniting of the relevant entities (UNC and research institutions in New Caledonia) around a shared scientific and technological vision laid the foundation for the establishment of the Research, Higher Education and Innovation Consortium in New Caledonia in September 2014. The Consortium is intended to strengthen the response to the major sustainable development challenges facing New Caledonia, focusing on three thematic objectives: promoting biodiversity, improving health and supporting social, cultural and institutional change. In this context, and based on the areas of expertise it has developed, UNC research activities focus particularly on terrestrial and marine biodiversity; nickel and its environment; and the unique local community with its plurality of cultures, oral and written literature and social and political organizations, both traditional and contemporary. UNC has five research teams and a joint doctoral programme with the University of French Polynesia. Each year it hosts international students, including students with scholarships from the Government of Vanuatu.

48. With regard to higher education, more than 3,000 students were enrolled at UNC in 2015. Since 2003, the university has developed several international initiatives to enable students and faculty to participate in foreign exchange programmes and to develop research exchange and collaboration projects with the universities and countries of the Pacific region. This policy has resulted in the signing of several partnership agreements with universities in the region (Australia, Fiji, Japan, and New Zealand) and the participation of an increasing number of students in exchange programmes.

49. Under the "Cadres for the Future" framework, 1,580 trainees have now been trained and are providing expertise in various communities, governments and enterprises in New Caledonia. Some 70 per cent of these trainees are of Kanak origin. The success rate is high: 95 per cent of the trainees find employment within three months after their return to New Caledonia. Since 2006, the administering Power has maintained its financial commitment at 5.4 million euros, while New Caledonia provides 500,000 euros. New initiatives have been undertaken, with the identification and training of trainees in the following fields of excellence:

(a) Public secondary school teaching: from 2010 to 2015, 20 trainees of Kanak origin received permanent appointments, bringing to 49 the number of teachers of Kanak origin in the public sector (an increase of 50 per cent);

(b) Medicine and high-level health-sector occupations: in 2015, four practising doctors who had received support from "Cadres for the Future" were of Kanak origin;

(c) Judiciary and legal and occupations;

(d) Senior management and, in general, occupations concerning the exercise of sovereign powers.

50. In the field of law enforcement, two important steps have been taken: the establishment of a training centre for volunteer deputy gendarmes in New Caledonia (19 young people trained in 2015); and the creation of a "cadet of the Republic" training programme by the Ministry of the Interior in partnership with the Ministry of Education, under which young people recruited as security officers can receive the necessary initial training for the discharge of these functions. According to the administering Power, the integration factor is very important, as the system has brought young people from different neighbourhoods, provinces and social environments into the ranks of the police. Moreover, the composition of each graduating class is a fairly accurate reflection of the various communities in the Territory. Local recruits make up 94.5 per cent of the national police force. Lastly, a competitive process conducted in New Caledonia in 2014 led to the recruitment of local prison officials.

51. Rebalancing efforts are also being made by the administering Power and the provinces, such as the priority education agreement with the Paris Institute of Political Studies, concluded in 2009, under which 16 students were admitted, including 7 Kanaks, and the establishment of high-quality boarding schools in the North, South and Loyalty Islands Provinces that can accommodate 130 high school students, 95 per cent of whom are Kanak.

52. Other institutions of higher education and vocational training have also redoubled their efforts over the past 10 years. These include the Health and Human Services Training Institute of New Caledonia, the Teacher Training Institute of New Caledonia and the School of Management and Commerce (which has just graduated its 500th student). There are also three preparatory classes for admission to the French professional schools (grandes écoles). The National Conservatory of Applied Arts and Crafts offers continuing education for adults, and admits students, wage earners and job-seekers.

53. With respect to the social and vocational integration of young people in difficult circumstances, the French army has an adapted military service regiment that provides training in various manual occupations (mechanics, construction, public works, animal husbandry, hospitality, food service) and job placement for approximately 600 young New Caledonians per year. The adapted military service fulfils a social mission within a military framework; it aims to provide a comprehensive response to social exclusion, unemployment, alienation and illiteracy among young people. In view of its success, the programme will be stepped up, particularly in the North Province. The placement rate is 76 per cent, with 90 per cent of volunteers of Kanak origin.

D. Health care

54. Since 1990, life expectancy at birth has increased in New Caledonia by seven years. In 2012, it was estimated at 80.4 years for women and 74 years for men. Indicative of the overall standard of living, these figures for life expectancy place New Caledonia slightly below France and make it a leader in Oceania. The infant mortality rate, which is indicative of the quality of obstetrical and paediatric care in a country, has been dropping steadily, from 27 per cent in 1980 to 10.7 per cent in 1990 and 3.9 per cent in 2012. While still somewhat higher than in France (3.6 per cent), this level is notably lower than those of the neighbouring countries.

55. According to the administering Power, the incidence of addiction, including consumption of alcohol, tobacco and cannabis, is high in New Caledonia. The administering Power and local authorities have mobilized to coordinate a strategic health plan for New Caledonia for the years to come. This was an outcome of the health forum held in August 2015. The plan's objectives are in alignment with the general principles of the World Health Organization for the region, especially with regard to the Healthy Islands concept, with its holistic approach to health policy.

56. The Territory has two public hospitals (527 beds and 28 spaces for one-day hospital stay), two private establishments (235 beds and 59 spaces for one-day hospital stay) and one specialized hospital (185 beds and 83 spaces for one-day hospital stay). A number of projects to restructure the hospital offering are now under way.

57. The Koutio Médipôle hospital near Nouméa, which is being built at a cost of $550 million, should be operational in 2017. It will consolidate, in a single location, the new territorial hospital with a capacity of 329 beds, a logistical health-care facility (Logipôle), the Pasteur Institute of New Caledonia, and an oncology centre. This hospital is intended to consolidate a number of somewhat obsolescent facilities into a state-of-the-art health-care hub built on a 20-hectare campus, with strong links to the urban and natural environment. The overall project concept is based, among other things, on the use of renewable energy sources. Part of this funding is provided by the administering Power in the context of development contracts. In Nouméa, the three private clinic locations are being consolidated to create a single-location private hospital centre in Nouville. Work on this began in 2015, with the opening planned for 2018. The new, $120-million facility will have a capacity of 269 beds. A full range of medical care options will be available on a 25,000-square-metre site. In North Province, the hospital offering will be restructured with the construction of a new, 58-bed hospital in Koné, at a cost of $55 million, and the reconfiguration of activities at the Koumac and Poindimié sites to focus on follow-up care and rehabilitation by 2016. At the provincial level, integrated public health-care services are provided through medical and social services centres in almost every town in the territory. Of these, seven have a total of 78 beds.

V. Relations with international organizations and partners

58. The Organic Law of 19 March 1999 governs the legal framework within which New Caledonia may establish external relations. New Caledonia has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1992. In 2006, it became an associate member of the Pacific Islands Forum.

To give impetus to the Nouméa Accord, New Caledonia intends to become a full member. The administering Power has expressed its full support for that initiative, which it reiterated during the France-Oceania Summit of 26 November 2015. In 2013, at a ceremony held in Nouméa, FLNKS formally began a two-year term as Chair of the Melanesian Spearhead Group. The trade fair and meeting of the ministers of economic affairs of the organization were held in Nouméa in 2015.

59. New Caledonia is also a member of the Pacific Community, whose secretariat is located in Nouméa. Other regional arrangements in which New Caledonia is involved include the South Pacific Regional Environment Programme, the Pacific Islands Forum Fisheries Agency, the Western and Central Pacific Fisheries Commission, the Pacific Islands Development Forum, the World Health Organization, the Oceania Customs Organization, the Oceania Regional Anti-Doping Organization, the South Pacific Tourism Organization and the Pacific Power Association. In September 2015, the French Government gave its consent for New Caledonia to attend meetings of the World Health Organization Regional Committee for the Western Pacific as an autonomous non-voting member.

60. New Caledonia has continued to strengthen its ties with the European Union, with which it holds the status of associated overseas territory, as conferred by the Treaty of Rome. The European Commission office for the Pacific overseas countries and territories is based in Nouméa. In January 2012, the French Minister for Cooperation, the French Minister for Overseas Territories and the President of the Government of New Caledonia signed a convention related to the hosting of New Caledonian delegates in the French diplomatic and consular missions in the Pacific (Oceania). The first New Caledonian delegate appointed was hosted in the French embassy in Wellington in 2012.

VI. Position of the administering Power

61. A meeting of a special committee of the signatories to the Nouméa Accord was held on 5 June 2015 in Paris, under the chairmanship of the Prime Minister, in the presence of the Minister for Overseas Territories. The meeting arose following the consideration in the Senate of the bill on accession to full sovereignty by New Caledonia, something which has been causing a great deal of tension. The meeting gave the partners of the Nouméa Accord the opportunity to agree to increase the possibilities of dispensing with the formalities for registration on the special electoral roll for the referendum.

62. According to the administering Power, while taking note of their differences concerning the special electoral rolls for the provincial elections, the partners agreed on the political need to quickly settle this dispute, which is delaying and preventing the preparation of the upcoming elections that are vital for the common destiny of Caledonians. The French State has taken note of a unanimous agreement among the partners to consider the centrality of the date of 8 November 1998 for the implementation of the restriction of the electorate. They all acknowledge that no electoral right has been acquired since that date. On that basis, the French State has proposed an impartial method and a timetable to ensure that the dispute is settled no later than the date of the next meeting of the Committee of Signatories. To that end, the Caledonian partners have accepted the proposal to have trusted experts conduct a quantitative assessment of the electoral dispute as soon as possible. Based on that

assessment, the partners will continue the political dialogue with a view to determining the conditions in which the restriction of the special electorate may be guaranteed in concrete terms in the revision of the rolls for situations after 8 November 1998. The partners will also determine the political means by which the legitimacy of individual situations prior to 8 November 1998 could be recognized, in keeping with the principle of fairness. The partners agree that an independent qualified person should sit on the special administrative commissions for the revision of the electoral lists as an observer. They also agree that an advisory committee of experts should be established.

63. The administering Power indicates that, as a partner of the Nouméa Accord, the French State, through the Prime Minister, has given Mr. Christnacht and Mr. Merle the mission to listen to and advise the Government on the implementation of the Accord and its subsequent related instruments. In pursuance of that mission, and given the legal complexity of the questions that will arise, regardless of the free choice that Caledonians make, the Prime Minister has proposed the establishment of a group of experts to support the mission. According to information provided by the administering Power, the decision to establish the group of experts was adopted by consensus at the 12th meeting of the Committee of Signatories, held on 3 and 4 October 2014. That consensus reflects the unanimous desire of the signatories to the Nouméa Accord and the political groups to engage in the discussions on the institutional future of New Caledonia. The group of experts is made up of people from a variety of backgrounds recognized for their knowledge of New Caledonia and its institutions and should help to further the discussions. In order to facilitate exchanges with these experts, a plenary working group has been established, under the aegis of the High Commissioner. It comprises the signatories to the Nouméa Accord and representatives of political parties representing groups in Congress. Bilateral meetings have also been organized with all local actors (political actors and members of civil society).

64. The administering Power indicates that a total of eight topics have been addressed, with one major objective: to enable the people of New Caledonia to decide democratically on their future and on the relationship they wished to have with France. Following the first meeting, held in December 2014, where the working method was developed, the first workshop held was devoted to the topic of justice. The participants took stock of the powers involved in order to determine the scope of those powers before presenting, in the form of a table containing questions for the future, the issues that would arise based on the major institutional considerations for the future. This same approach was followed for all the workshops. The second workshop dealt with currency and credit. The four main possible outcomes on the topic were presented: maintaining the CFP franc with a fixed exchange rate against the euro, adopting the euro, creating a New Caledonian currency, and creating a system akin to the CFA franc zone. The third workshop was devoted to law and order and public liberties. The discussions revolved around the "caledonization" of State government institutions, definition of the sovereignty line in the sharing of power, and consideration of the customary order. The fourth workshop focused on defence, but also considered the issues of education and research, organization of government, change in status to facilitate and simplify the functioning of institutions, recognition of diplomas and conditions for school transfers. The last week was devoted to foreign affairs and citizenship and nationality.

65. According to the administering Power, it was agreed that civil society should be involved in the discussions, to move them beyond the political arena. In that connection, the experts took part in activities in various communities and in the university, and two television programmes devoted to their work were also broadcast. That participation by the experts was particularly well received by the people and reflects their growing interest in these issues.

66. A summary of all these workshops should be presented to the Committee of Signatories in February 2016. The committee should also give for each political group the opportunity to express its position on all these topics.

67. The administering Power indicates that, with regards to economic affairs, the Committee of Signatories agreed at its meeting of October 2014 on the need to establish a coherent mining policy for New Caledonia: management and development of mining resources, export of rough minerals, shareholding structures in metallurgical companies, and contribution of nickel to the present and future wealth of the country. The significant mobilization of mining companies and ore transporters brought to light the disagreement among the various actors on a large number of strategic issues.

68. According to the administering Power, in the light of the referendum on self-determination to be held in 2018, nickel is a major issue. As a backdrop to the conflict being waged by the ore transporters are two divergent views on the economic and political development of New Caledonia: a liberal view on the one hand, with limited interference by the Government, which is primarily responsible for setting the rules of the game; and a protectionist view, on the other, with participation in the capital of factories and a gradual cessation of exports. This divergence of views goes beyond the independence/non-independence divide. In this connection, the High Commissioner has regularly convened a working group made up of the signatories and heads of institutions to define a "country strategy" with regard to nickel.

VII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

69. At the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Managua, Nicaragua, from 19 to 21 May 2015, statements were delivered by the representative of the administering Power and the representative of the territorial Government. Two independent experts from New Caledonia also participated in the seminar.

70. At the 8th meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, held on 26 June 2015, statements were delivered by the representatives of the administering Power, Sierra Leone and Papua New Guinea. At the same meeting, the Special Committee heard a number of petitioners, including the President of the Congress of New Caledonia, the representative of the High Commissioner for Education and Culture of the Congress, the head of the

UC-FLNKS et nationalistes group in the Congress of New Caledonia, and the representative of FLNKS (see A/AC.109/2015/SR.8).

71. Also at that meeting, the Special Committee adopted without a vote a draft resolution on the question of New Caledonia, introduced by the representative of Papua New Guinea (A/AC.109/2015/L.12).

B. Special Political and Decolonization Committee (Fourth Committee)

72. At the Fourth Committee's meeting of 9 October 2015, the Permanent Representative of Solomon Islands, speaking also on behalf of the countries members of the Melanesian Spearhead Group, delivered a statement (A/C.4/70/SR.3). At the same meeting, the Committee heard a statement delivered by Thierry Cornaille, Minister responsible for the Budget, Housing, Energy, Digital Development and Audiovisual Communication of the Government of New Caledonia. The Committee also heard from four petitioners on the question of New Caledonia (A/C.4/70/SR.3).

C. Action taken by the General Assembly

73. On 9 December 2015, the General Assembly adopted, without a vote, resolution 70/99 based on the report of the Special Committee transmitted to the Assembly (A/70/23) and its subsequent consideration by the Fourth Committee.